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On

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/824,633	03/27/1997	CHARLES FRANKLIN DRILL		8856

7590 03/18/2003

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EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	08/824,633	DRILL ET AL.	
Examiner		Art Unit	
M Rachuba		3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3/4/08 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will not be entered because:

- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) they raise the issue of new matter (see Note below);
- (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.

4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 22-35.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.


 M. Rachuba
 Primary Examiner
 Art Unit: 3723

Continuation of 5. does NOT place the application in condition for allowance because: 1. Applicant argues that Glover does not disclose the claimed limitation of each polishing region having distinct polishing characteristics as the abrasive material is graded from the center outwardly. While the examiner agrees that the abrasive is graded, Glover further discloses, column 1, lines 17-23, that the center has coarse grit, and that the outer peripheral area of the face of the disk has fine grit. This is further shown in the drawing. The examiner considers the center of the disk and the outer peripheral area of the disk to meet the claimed limitation of "at least two polishing regions having distinct polishing characteristics". 2. Applicant argues that the tool disclosed by Glover would not be capable of performing the intended use of CMP, as Glover could not have possibly foreseen and anticipate the technology. The examiner disagrees. The requirement is not that the prior art anticipate every future use of the tool, but that the tool be capable of performing the function as claimed by applicant. Applicant has not claimed (or disclosed) a specific grit type or size, or that the abrasive is bonded to the pad or is part of the slurry used with the pad, or even claimed the combination of pad and slurry. The examiner is required to give the claimed limitations the broadest reasonable interpretation consistent with the disclosure. It is the examiner's position that the claims have been fairly interpreted as to their scope, and that Glover clearly anticipates the claimed invention .